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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,681	10/05/2006	Nicole Eggers	PAT-01236	2779
77234	7590	02/06/2009		
Mary E. Golota Cantor Colburn LLP 201 W. Big Beaver Road Suite 1101 Troy, MI 48084				
EXAMINER				
FRANK, NOAH S				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
02/06/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/599,681

Applicant(s)

EGGERS ET AL.

Examiner

NOAH FRANK

Art Unit

1796

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-10 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10 and 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-10, 12-22 are rejected under 35 U.S.C. 103(a) as being obvious over Hellmann et al. (US 2003/0105230).

Considering Claims 1, 9-10: Hellmann et al. teaches a modular system comprising: A) at least one base module containing at least one binder, optionally together with organic solvents and B) at least one adhesion module containing at least one adhesion-promoting component, optionally together with conventional coating additives, water and/or organic solvents, and E) at least one crosslinking agent module containing at least one crosslinking agent, optionally together with organic solvents (¶0008-14). Component A preferably comprises hydroxyl-functional binders (¶0025). Component B comprises chlorinated polyolefins (¶0045). Component E comprises polyisocyanates (¶0060).

While the preferred embodiment teaches that the adhesion module B additionally comprises binders, a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including nonpreferred embodiments. MPEP 2123. At the time of the invention a person of ordinary skill in the art would have

found it obvious to have omitted binder, as an equivalent alternative embodiment of the invention.

Considering Claims 2-3: Hellmann et al. teaches the solids content of solutions of chlorinated polyolefins being 18-60 wt-% (§0045).

Considering Claims 4-5: Hellmann et al. teaches the chlorinated polyolefins having a degree of chlorination of 15-45 wt-% (§0045).

Considering Claim 7: Hellmann et al. teaches additives being leveling agents, anti-foaming agents, catalysts, dispersing agents, thickeners, and emulsifiers (§0039).

Considering Claim 8: Hellmann et al. teaches the organic solvents being mono- or polyhydric alcohols and esters (§0039), both of which are isocyanate-reactive.

Considering Claim 12: Hellmann et al. teaches producing coating compositions by mixing together the individual modules which are stored as finished units (§0074).

Considering Claim 13: Hellmann et al. teaches coating substrates with the coating composition (§0075).

Considering Claim 14: Hellmann et al. teaches producing coating compositions by mixing together the individual modules which are stored as finished units (§0074).

Considering Claim 15: Hellmann et al. teaches the ratio of reactive functional groups of the binders to the complementarily reactive functional groups of the crosslinking agents being 1:2-2:1 (§0065).

Considering Claim 16: Hellmann et al. teaches module B containing 15% of a 40% chlorinated polyolefin mixture (§0080). Module B is then mixed with 1:1 module A,

followed by a 4:1 ratio of (A + B):E (§0086). 15% deionised water is then added to the mixture, resulting in a final chlorinated olefin content of 2.04%.

Considering Claim 17: Hellmann et al. teaches the production of coating compositions with good adhesion (§0007).

Considering Claim 18: Hellmann et al. teaches coating polycarbonate (§0091).

Considering Claim 21: Hellmann et al. teaches the basic claimed composition as set forth above. Furthermore, all of the components of Hellmann may contain either organic solvents or water (§0009-12). Additionally, the modular system according to the invention may be used for the production of aqueous or solvent-based coating compositions (§0016). At the time of the invention a person of ordinary skill in the art would have found it obvious to have omitted water, in order to make a solvent-based coating composition.

Considering Claim 22: Hellmann et al. teaches using aromatic hydrocarbons and esters as solvent (§0040).

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellmann et al. (US 2003/0105230), as applied to claims 1, 13, and 17 above, and further in view of Merritt et al. (US 6,939,916).

Considering Claims 19-20: Hellmann et al. teaches the basic claimed method as set forth above.

Hellman does not teach the system having a film thickness of up to 10 μm . However, Merritt et al. teaches adhesion promoter coatings based on chlorinated polyolefins (Abs), applied at thicknesses from about 0.01 to about 5.0 mils (0.254-127

µm) (14:25-30). Hellmann and Merritt are analogous art because they are from the same field of endeavor, namely chlorinated polyolefin coatings. At the time of the invention a person of ordinary skill in the art would have found it obvious to have used the thicknesses, as taught by Merritt, in the invention of Hellmann, in order to make an adhesion promoting coating.

Response to Arguments

Applicant's arguments filed 11/17/08 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments regarding Merritt, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Merritt was only used to teach a coating thickness, not the specifics of the coating.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOAH FRANK whose telephone number is (571)270-3667. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796

NF
1-27-09